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NOTICE OF ALLOWANCE AND FEE(S) DUE

26111

7590

02/19/2010

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ABEDIN, SHANTO

ART UNIT

PAPER NUMBER

2436

DATE MAILED: 02/19/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,229	03/30/2004	Michael Frederick Kenrich	2222-5490000	8114

TITLE OF INVENTION: METHOD AND SYSTEM FOR PROVIDING CRYPTOGRAPHIC DOCUMENT RETENTION WITH OFF-LINE ACCESS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	05/19/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

26/11 7590 02/19/2010

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,229 03/30/2004

Michael Frederick Kenrich

2222.5490000

8114

TITLE OF INVENTION: METHOD AND SYSTEM FOR PROVIDING CRYPTOGRAPHIC DOCUMENT RETENTION WITH OFF-LINE ACCESS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	05/19/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
ABEDIN, SHANTO	2436	726-027000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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EXAMINER

ABEDIN, SHANTO

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 659 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 659 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/815,229

Examiner

SHANTO M. ABEDIN

Applicant(s)

KENRICH ET AL.

Art Unit

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/09/2009.
2. ☒ The allowed claim(s) is/are 1, 3-4, 6, 8-14, 16-21 and 23-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/SHANTO M. ABEDIN/
Examiner, Art Unit 2436

DETAILED ACTION

1. This office action is in response to the communication filed on 12/09/2009.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 1, 3-4, 6, 8-14, 16-21 and 23-26 are pending.
4. Claims 1, 3-4, 6, 8-14, 16-21 and 23-26 are allowed.

RESPONSE TO ARGUMENTS

5. The applicant's arguments regarding 35 USC 101 type rejection of claim 25 are fully considered. The previous 35 USC 101 type rejections are withdrawn because of the amendments made to the claim 25.
6. The applicant's arguments regarding provisional obviousness type double patenting rejections are fully considered. Upon further consideration, the previous obviousness type double patenting rejections are withdrawn based on the applicant's arguments, and the amendments made to the claims.
7. The applicant's arguments regarding 35 USC 102(e) and 103(a) type rejections are fully considered, and found persuasive, therefore, the previous 35 USC 102(e) and 103 (a) type rejections are withdrawn.

EXAMINER'S REASONS FOR ALLOWANCE

8. The following is an examiner's statement of reasons for allowances:

Independent claims 1 and 21 are patentable over the cited prior arts because they do not anticipate nor fairly and reasonably teach independently or in combination, a method

comprising besides other limitations: assigning a document retention policy to the electronic document, the document retention policy being derived from a recurring cut-off retention schedule specifying cut- off periods, each cut-off period having a respective document retention duration associated therewith and corresponding to a respective maximum off-line period of a client, wherein the maximum off-line period expires a predetermined period of time after a beginning of its cut-off period; and encrypting the electronic document using cryptographic keys associated with particular cut-off periods, associated retention durations, and corresponding maximum off-line periods, wherein the encrypting is based on the document retention policy such that the electronic document can be cryptographically accessed using the cryptographic key during retention durations and prior to the expiration of the maximum off-line period of the client.

In particular, patentability exists, at least in part, with the recitation of the document retention policy being derived from a recurring cut-off retention schedule specifying cut- off periods, each cut-off period having a respective document retention duration associated therewith and corresponding to a respective maximum off-line period of a client; and wherein the cryptographic keys are associated with particular cut-off periods, associated retention durations, and corresponding maximum off-line periods, and the electronic document can be cryptographically accessed using the cryptographic key during retention durations and prior to the expiration of the maximum off-line period of the client. Although the closest cited prior art Shapiro et al does teach a document control system comprising use of offline access information, policy/ permission associated with a document, and expiring of the document access key, Shapiro et al fails to disclose the invention set forth by the claim languages as whole. For example, Shapiro et al fails to disclose the document retention

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policy being derived from a recurring cut-off retention schedule specifying cut-off periods, and wherein the cryptographic keys are associated with particular cut-off periods, associated retention durations, and corresponding maximum off-line periods.

Independent claim 10 is patentable over the cited prior arts because they do not anticipate nor fairly and reasonably teach independently or in combination, a method comprising besides other limitations: associating a document retention policy with a first document retention key, wherein the document retention policy specifies a document retention duration that expires a predetermined period of time after a beginning of a cut-off period of a recurring cut-off retention schedule; and generating a next document retention key to be used to encrypt the electronic document during a next cut-off period, the next document retention key having a document retention duration associated therewith and corresponding to a maximum off-line period of a client; and notifying the client of the next document retention key, the electronic document being cryptographically accessible only during document retention durations and prior to the expiration of the maximum off-line period of the client using a cryptographic key associated with particular cut-off periods, associated retention durations, and corresponding maximum off-line periods.

In particular, patentability exists, at least in part, with the recitation of the next document retention key having a document retention duration associated therewith and corresponding to a maximum off-line period of a client; and the electronic document being cryptographically accessible only during document retention durations and prior to the expiration of the maximum off-line period of the client using a cryptographic key associated with particular cut-off periods, associated retention durations, and corresponding maximum off-line periods. Although the closest cited prior art Shapiro et al does teach a document

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control system comprising use of offline access information, policy/ permission associated with a document, and expiring of the document access key, the combination of the cited prior arts Batten-Carew et al-Shapiro et al fails to disclose the invention set forth by the claim languages as whole. For example, combination of the cited prior arts Batten-Carew et al-Shapiro et al fails to disclose the document retention policy being derived from a recurring cut-off retention schedule specifying cut- off periods, each cut-off period having a respective document retention duration associated therewith and corresponding to a respective maximum off-line period of a client; and wherein the cryptographic keys are associated with particular cut-off periods, associated retention durations, and corresponding maximum off-line periods.

Independent claim 13 is patentable over the cited prior arts because they do not anticipate nor fairly and reasonably teach independently or in combination, a method comprising besides other limitations: assigning a document retention policy to the electronic document; and obtaining a retention access key, the retention access key being used to associate a document retention duration of the document retention policy having a cut-off period and a maximum off-line period of a client associated therewith with the secured electronic document, wherein the maximum off-line period expires a predetermined period of time after a beginning of the cut-off period, the retention access key being usable during the document retention duration following a beginning of its respective cut-off period of a recurring cut-off retention schedule, the secured electronic document being cryptographically accessible only during the document retention duration and prior to the expiration of the maximum off-line period of the client; and storing the secured electronic document, the

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secured electronic document being cryptographically accessible only during the document retention duration and prior to the expiration of the maximum off-line period of the client.

In particular, although the closest cited prior art Shapiro et al does teach a document control system comprising use of offline access information, policy/ permission associated with a document, and expiring of the document access key, the combination of the cited prior arts Batten-Carew et al-Shapiro et al fails to disclose the retention access key being used to associate a document retention duration of the document retention policy having a cut-off period and a maximum off-line period of a client associated therewith with the secured electronic document, wherein the maximum off-line period expires a predetermined period of time after a beginning of the cut-off period, the retention access key being usable during the document retention duration following a beginning of its respective cut-off period of a recurring cut-off retention schedule.

Independent claim 16 is patentable over the cited prior arts because they do not anticipate nor fairly and reasonably teach independently or in combination, a method comprising besides other limitations: assigning a document retention policy to the electronic document; and obtaining a retention access key, the retention access key being used to associate a document retention duration of the document retention policy having a cut-off period and a maximum off-line period of a client associated therewith with the secured electronic document, wherein the maximum off-line period expires a predetermined period of time after a beginning of the cut-off period, the retention access key being usable during the document retention duration following a beginning of its respective cut-off period of a recurring cut-off retention schedule, the secured electronic document being cryptographically

accessible only during the document retention duration and prior to the expiration of the maximum off-line period of the client; and obtaining an encrypted document key from the header portion of the secured electronic document; and decrypting the encrypted document key using the retention access key to produce a document key; and decrypting an encrypted data portion of the secured electronic document using the document key to produce a data portion

In particular, although the closest cited prior art Shapiro et al does teach a document control system comprising use of offline access information, policy/ permission associated with a document, and expiring of the document access key, the combination of the cited prior arts Batten-Carew et al-Shapiro et al fails to disclose the retention access key being used to associate a document retention duration of the document retention policy having a cut-off period and a maximum off-line period of a client associated therewith with the secured electronic document, wherein the retention access key being usable during the document retention duration following a beginning of its respective cut-off period of a recurring cut-off retention schedule.

Independent claim 25 is patentable over the cited prior arts because they do not anticipate nor fairly and reasonably teach independently or in combination, a method comprising besides other limitations: at least one of the cryptographic key pairs pertaining to a retention policy, the retention policy having document retention durations, each document retention duration having a respective cut off period associated therewith and corresponding to a respective maximum off-line period of a client, wherein the maximum off-line period expires a predetermined period of time after a beginning of its cut-off period; and wherein

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the requestor requires the private key of the at least one of the cryptographic key pairs pertaining to the retention policy to access a secured electronic file, and wherein the secured electronic file was previously secured using the public key of the at least one of the cryptographic key pairs pertaining to the retention policy, and at the time the electronic file was secured, the public key was within its respective cut-off period and available for use, the secured electronic document being cryptographically accessible only during the retention durations and prior to the expiration of the maximum off-line period of the client.

In particular, although the closest cited prior art Shapiro et al does teach a document control system comprising use of offline access information, policy/ permission associated with a document, and expiring of the document access key, the combination of the cited prior arts Batten-Carew et al-Shapiro et al fails to disclose the retention policy having document retention durations, each document retention duration having a respective cut off period associated therewith and corresponding to a respective maximum off-line period of a client, wherein the maximum off-line period expires a predetermined period of time after a beginning of its cut-off period; and the secured electronic document being cryptographically accessible through the public key only during the retention durations and prior to the expiration of the maximum off-line period of the client.

Dependent claims are allowed because of their dependencies on the allowable independent claims.

CONCLUSION

9. Claims 1, 3-4, 6, 8-14, 16-21 and 23-26 are patentable.

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10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shanto M Z Abedin whose telephone number is 571-272-3551. The examiner can normally be reached on M-F from 10:00 AM to 6:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser, can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shanto M Z Abedin

Examiner, A.U. 2436

/Nasser Moazzami/

Supervisory Patent Examiner, Art Unit 2436